

WHAT IS MONTANA'S LEMON LAW?

The "New Motor Vehicle Warranty Act" of Montana is a state law administered by the Montana Department of Administration. This law, when applicable, aids consumers in obtaining repurchase, replacement or repair of their new vehicle when repeated attempts at repair are unsuccessful. This law applies to a vehicle that is less than two years old and with 18,000 miles or less on its odometer.

WHAT VEHICLES DOES THE LEMON LAW COVER?

The Lemon Law covers new or demonstrator motor vehicles, including trucks of 10,000 lbs. or less gross vehicle weight that are purchased or leased in Montana.

WHAT VEHICLES ARE NOT COVERED?

Trucks over 10,000 lbs. GVW, non-motorized and off-road vehicles, and the "residential" portion of motorhomes are not covered under the Montana Lemon Law. It also does not apply to any normally eligible vehicle that is past its second year of ownership or driven more than 18,000 miles whichever comes first. The Lemon Law does not cover defects resulting from accident, abuse, neglect, modification or alteration by anyone other than the manufacturer or authorized dealer. Used cars are not covered.




WHAT DEFECTS ARE COVERED?

Substantial defects that impair the use, market value or safety of the vehicle may be covered. Minor or trivial defects in appearance, structure or performance are not covered by the "Lemon Law."



HOW DOES A VEHICLE QUALIFY AS A LEMON?

If a vehicle:

-  Has a defect or condition **covered by warranty** that impairs its use, value or safety and
-  That defect is reported to the manufacturer within the first two years or the first 18,000 miles and
-  The same defect has been subject to repair four times but still exists or the vehicle has been out of service for repairs for a total of 30 business days.

The vehicle probably qualifies as a "Lemon."

WHAT SHOULD I KNOW ABOUT THE WARRANTY PERIOD?

The warranty period ends two years after the date of the vehicle's original delivery to the consumer, or the first 18,000 miles of operation, whichever occurs first. This period can be extended if a defect is reported, in writing, to the dealer or manufacturer during the warranty period but has not been cured by the expiration of the period.

Keep all records of warranty repairs and all written communications with dealers and manufacturers. Work orders provide the best proof as to when a problem was first reported.

WHAT SHOULD I DO AFTER THREE REPAIR ATTEMPTS ON THE SAME PROBLEM?

If the problem is a substantial defect or condition that recurs or still exists after the third repair attempt, notify the manufacturer by certified mail, return receipt requested, of the need to repair the defect or condition on their fourth attempt. This notification procedure is not required under the "Lemon Law," but does serve as notice to the manufacturer of your intentions.

WHAT ARE MY RIGHTS IF THE MANUFACTURER FAILS TO FIX MY VEHICLE?

If the manufacturer fails to correct any substantial defect or condition following your written notification, the manufacturer must either refund the full purchase price-plus any reasonable expenses directly incurred because of the vehicle's condition-or provide an identical or reasonably equivalent replacement vehicle. If the vehicle is bought back, the manufacturer can deduct an amount for the use of the vehicle calculated on the odometer reading at the time of repurchase.

HOW DO I PROVE I HAVE A LEMON?

Be prepared to produce:

1. All purchase (or lease) documents
2. All maintenance records
3. All repair orders
4. Receipt for maintenance supplies
5. Certified letter of notification to the manufacturer (copy)
6. Any and all other documents relating to the defect

HOW DO I OBTAIN A REFUND OR REPLACEMENT IF I HAVE A LEMON?

If you think you are entitled to a refund or replacement and your manufacturer is unwilling to provide either remedy, you must first submit your dispute to a state-certified dispute settlement program approved by the Montana Department of Administration. Contact:

Montana Department of Administration
New Motor Vehicle Warranties Administrator
1219 8TH Ave.
PO Box 200151
Helena MT 59620-0151

Or call (406) 444-4500

For more information concerning
Montana's **Lemon Law**
MCA §61-4-501

MONTANA LEMON LAW CHECKLIST

1. VEHICLE IS

- A. Under two years old ☐
- B. Under 18,000 odometer miles ☐
- C. Sold or registered in Montana ☐

2. DEFECT(S) IMPAIRS ITS

- A. Use ☐
- B. Value ☐
- C. Safety ☐

3. VEHICLE HAS BEEN

- A. In for repairs four or more times
for the same repair attempts ☐
- B. Out of service 30 days or more
due to repair attempts ☐

AND IS STILL DEFECTIVE.

OR

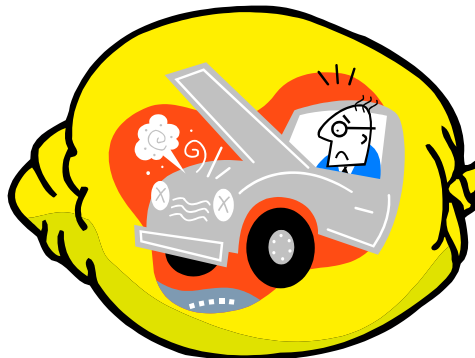
To obtain assistance with any other
questions you may have regarding your
rights as an automotive consumer in
Montana or elsewhere call or write to:

MONTANA DEPARTMENT OF
ADMINISTRATION
OFFICE OF CONSUMER PROTECTION
LEMON LAW UNIT
1219 8TH AVENUE
PO BOX 200501
HELENA MT 59620-0501

PHONE (406) 444-4500
FAX (406) 444-9680

EMAIL: rtex@state.mt.us

OR VISIT OUR WEBSITE:
<http://state.mt.us/doa/consumerprotection>



* If the vehicle was not purchased in Montana it
may qualify for the "Lemon Law" in the state in
which it was purchased.

KNOW YOUR RIGHTS!

MONTANA DEPARTMENT OF ADMINISTRATION

LEMON LAW INFORMATION

